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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,918	10/10/2003	Darran Potter	50325-0609	2248
29989      7590      05/11/2010 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110				
EXAMINER				
TAYLOR, NICHOLAS R				
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2441				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/683,918

**Applicant(s)**

POTTER ET AL.

**Examiner**

Nicholas Taylor

**Art Unit**

2441

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12, 18,20-29,37,38,41,42 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12, 18,20-29,37,38,41,42 and 44-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on March 3rd, 2010, has been entered.

2. Claims 1, 3-12, 18, 20-29, 37, 38, 41, 42 and 44-48 have been examined and are rejected.

#### ***Response to Arguments***

3. Applicant's arguments filed March 3rd, 2010, have been fully considered but they are deemed not persuasive.

4. In the remarks, applicant argued in substance that:

(A) The prior art of Jones fails to teach receiving a request to authorize a client to access a network resource and further fails to teach obtaining an accounting record from an external resource communicatively coupled to the AAA server.

As to point (A), Jones teaches a client that sends a request to a first Authentication, Authorization, and Account (AAA) server (pg. 5, 11-24). The server receives requests from clients to authorize them to access network resources (see pg. 5 10-25, where a client requests authorization to access network resources via a data session). Jones teaches that the accounting record may be obtained either locally or remotely from a communicatively coupled external resource (pg. 5, lines 25-30).

(B) The prior art of Jones does not teach sending an access accept message containing an accounting record. Jones sends an account session key ("Acct-Session-Id) in the accept message, however, it is not an accounting record because it is not used to authorize a client but merely to track data sessions. Further, Jones references a "usual authentication and authorization process" that occurs elsewhere.

As to point (B), Jones teaches in response to a first Authentication, Authorization, and Accounting server receiving a request to authorize a client, said first server obtaining an accounting record for the client and authorizing said client based on said account record (Jones, see pg. 5, lines 10-25 overview where an AAA server receives a request to authorize a client and obtains a record; see also fig. 2 process). Jones further teaches a RADIUS access accept message that includes the account record within the access accept message (Jones, see pg. 10, lines 23-35 where the record is logged and then sent to a second AAA server as part of a RADIUS start session message; see also fig. 5B; pg. 7, lines 10-15).

Jones' disclosed access accept message includes, inter alia, an account session key ("Acct-Session-Id") in the message. The key is an account record for the client that is used to authorize the client, for example, by identifying and confirming "the existence of a pre-existing data session" with the client (Jones, pg. 11). Applicant notes that Jones discloses "perform[ing] the usual authentication and authorization process" in addition to this step. However, it is respectfully submitted that additional, separate authentication steps do not preclude teaching of a client authorization process elsewhere. The claim terminology, including "authorizing said client to access a network resource," is given its broadest reasonable interpretation in light of the specification.

(C) The prior art of Jones does not teach logging the accounting record. Jones is silent as to logging. At best, Jones merely teaches storing a record in a cache, which fails to teach logging because logging data implies storing data for a relatively long period of time in a non-volatile memory location.

As to point (C), Jones teaches causing at least a portion of the accounting record to be logged (Jones, see pg. 10, lines 23-35 where the record is logged and then sent to a second AAA server as part of a RADIUS start session message; see also fig. 5B; pg. 7, lines 10-15). Applicant appears to argue a more narrow interpretation of the claim language "causing the accounting record to be logged," whereby the term logging requires a specific duration and medium beyond simply recording data. However, these

limitations are not present in the currently amended claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 18, 20-29, 41, 42, and 46-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the “computer-readable storage medium” would reasonably be interpreted by one of ordinary skill in the art as failing to fall within a statutory category of invention, because applicant’s disclosure defines “computer-readable medium” to include propagated signals (see pg. 16, e.g., “light waves” in transmission media form of computer-readable medium). The claimed invention is not limited to a process, machine, manufacture, or composition of matter. Thus, the claimed limitations are not limited to statutory subject matter and are therefore nonstatutory.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 4-12, 18, 21-29, 37, 38, 41, 42, and 44-48 are rejected under 35

U.S.C. 102(a) as being anticipated by Jones et al. (WIPO Publication WO 03/030483).

9. As per claims 1 and 18, Jones teaches a computer-implemented method comprising:

in response to a first Authentication, Authorization, and Accounting (AAA) server receiving a request to authorize a client to access a network resource, said first AAA server obtaining an accounting record for the client from an external resource communicatively coupled to the AAA server, said first AAA server authorizing said client to access the network resource based on said accounting record, and (Jones, see pg. 5, lines 10-25 overview where an AAA server receives a request to authorize a client that is requesting a network resource and obtains a record, which includes accessing an external resource that is communicatively coupled; see also fig. 2 process)

said first server sending an a Remote Authentication Dial In User Service (RADIUS) protocol access accept message that includes the accounting record within the access accept message; (Jones, see pg. 9 line 26 to pg. 10, line 8, where the accounting record is within the access accept message; see also fig. 5A and pg. 7, lines 10-14; pg. 9, lines 1-9; and claims 1, 13, and 14 of pgs. 18 and 19)

causing the accounting record to be logged; a second AAA server receiving a RADIUS start session message that includes the accounting record within the start session message (Jones, see pg. 10, lines 23-35 where the record is logged and then

sent to a second AAA server as part of a RADIUS start session message; see also fig. 5B; pg. 7, lines 10-15).

10. As per claim 4 and 21, Jones teaches the system further wherein the client is selected from the group consisting of a wireless network client, a wired network client, and a dial up client (Jones, pg. 5, lines 19-24).

11. As per claims 5 and 22, Jones teaches the system further wherein causing the accounting record to be logged comprises causing the accounting record to be logged on a dedicated logging device (Jones, see, e.g., pg. 11, lines 4-13).

12. As per claims 6 and 23, Jones teaches the system further wherein causing the accounting record to be logged comprises causing the accounting record to be logged on an Authentication, Authorization, and Accounting server (Jones, pg. 5, line 25 to pg. 6, line 15; pg. 9, line 33 to pg. 10, line 8; and pg. 10, lines 23-35).

13. As per claims 7 and 24, Jones teaches the system further wherein causing the accounting record to be logged comprises causing the accounting record to be logged on a network device (Jones, pg. 5, line 25 to pg. 6, line 15; pg. 9, line 33 to pg. 10, line 8; and pg. 10, lines 23-35).



14. As per claims 8 and 25, Jones teaches the system further wherein causing the accounting record to be logged comprises causing the accounting record to be logged with a session start log entry (Jones, see billing col. of figs. 5A, 5B, 6A, and 6B, wherein start and stop log entries are inherent in tracking the duration of active sessions for determining billing intervals).

15. As per claims 9 and 26, Jones teaches the system further wherein causing the accounting record to be logged comprises causing the accounting record to be logged with a session stop log entry (Jones, see billing col. of figs. 5A, 5B, 6A, and 6B, wherein start and stop log entries are inherent in tracking the duration of active sessions for determining billing intervals).

16. As per claims 10 and 27, Jones teaches the system further wherein the accounting record comprises a handle to a second accounting record (Jones, see pg. 11, lines 4-18; pg. 13, lines 21-28; and pg. 16, lines 1-11).

17. As per claims 11 and 28, Jones teaches the system further comprising: retrieving the second accounting record using the handle to the second accounting record; and causing the second accounting record to be logged (Jones, see pg. 11, lines 4-18; pg. 13, lines 21-28; and pg. 16, lines 1-11).

18. As per claims 12 and 29, Jones teaches the system further wherein the said first server sending the accounting record further comprises said first server sending data of said portion as a plurality of attribute-value pairs in said access accept message (Jones, pg. 9, lines 33 to pg. 10, line 13).

19. As per claims 37 and 41, Jones teaches the system further wherein said first server and said second server are the same Authentication, Authorization, and Accounting (AAA) server (Jones, pg. 5, line 25 to pg. 6, line 15; pg. 9, line 33 to pg. 10, line 8; and pg. 10, lines 23-35).

20. As per claims 38 and 42, Jones teaches the system further wherein said first server and said second server are different load balanced Authentication, Authorization, and Accounting (AAA) servers that are both configured to implement the Remote Authentication Dial In User Service protocol (RADIUS) network protocol (Jones, pg. 5, line 25 to pg. 6, line 15; pg. 9, line 33 to pg. 10, line 8; and pg. 10, lines 23-35).

21. As per claims 44 and 47, Jones teaches the system further wherein the handle to the second accounting record comprises an identifier of the second accounting record that uniquely identifies the second accounting record from among a plurality of accounting records (Jones, see pg. 11, lines 4-18; pg. 13, lines 21-28; and pg. 16, lines 1-11).

22. As per claims 45 and 48, Jones teaches the system further wherein the identifier of the second accounting record comprises one or more of an internet protocol address associated with the client, an internet protocol address associated with the first or second Authentication, Authorization, and Accounting (AAA) server, or a random string (Jones, see pg. 11, lines 4-18; pg. 13, lines 21-28; and pg. 16, lines 1-11).

23. As per claim 46, Jones teaches the system further comprising wherein said first server sending a Remote Authentication Dial In User Service protocol (RADIUS) access accept message that includes the accounting record further comprises sending the portion in RADIUS Class Attributes or RADIUS Vendor Specific Attributes (Jones, pg. 9, lines 33 to pg. 10, line 13).

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (WIPO Publication WO 03/030483) and Wang et al. (U.S. PGPub 2003/0035409).

26. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

27. As per claims 3 and 20, Jones teaches the above, yet fails to teach obtaining the accounting record for the client from a Lightweight Directory Access Protocol directory.

Wang teaches a wireless service gateway using an AAA server that implements the lightweight directory access protocol (Wang, paragraphs 0109-0115, 0186-0187, and fig. 2 structure).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Jones and Wang to provide the LDAP protocol-based account records in the system of Jones, because doing so would provide additional protocol support for passing data between network nodes (Jones, see figs. 6A and 6B transmissions). Further, the use of the LDAP protocol in Jones would combine several well-known elements in a manner that one skilled in the art could have combined using known methods that yield predictable results.

***Conclusion***

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/NT/  
Nicholas Taylor  
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Art Unit 2441  
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